

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

FRANCESCA HARON,

Plaintiff,

v.

ALBERTO GONZALES, MICHAEL
CHERTOFF,

Defendants.

Case No. 06-5040RJB

ORDER

This matter comes before the Court on the Plaintiff's Application to Proceed *In Forma Pauperis* (Dkt. 1) and on the Report and Recommendation of Magistrate Judge J. Kelley Arnold (Dkt. 4). The Court has reviewed the Plaintiff's Motion to Proceed *In Forma Pauperis*, the Report and Recommendation, and the file herein.

The Report and Recommendation urges the matter be dismissed because the proposed Complaint fails to state a cognizable claim. Dkt. 4. Plaintiff has been given an opportunity to correct the deficiencies in the complaint, and has failed to do so. Dkt. 2. Under 28 U.S.C. 1915(e)(2)(B), "the court shall dismiss the case at any time if the court determines that . . . the action is frivolous or malicious or fails to state a claim on which relief may be granted." The Court should adopt the Report and Recommendation.

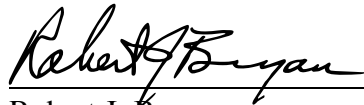
1 Therefore, it is now **ORDERED** that

2 • the Report and Recommendation (Dkt. 4) is **ADOPTED** and this action is **DISMISSED**
3 **WITHOUT PREJUDICE.**

4 • Plaintiff's Motion to Proceed *In Forma Pauperis* (Dkt.1) is **DENIED AS MOOT.**

5 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel
6 of record and to any party appearing *pro se* at said party's last known address.

7 DATED this 10th day of April, 2006.

8 

9 Robert J. Bryan
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28